

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED
PARTNERSHIP, a New Mexico
Limited Partnership, and Plaintiff Class,

Plaintiffs,

vs.

Civ. No. 00-655 JC/WWD (ACE)

CONOCO INC., a Delaware corporation,
AMOCO PRODUCTION COMPANY, a
Delaware corporation, and AMOCO ENERGY
TRADING CORP., a Delaware corporation,

Defendants.

**MEMORANDUM OPINION AND ORDER DENYING
CONOCO'S MOTION FOR PROTECTIVE ORDER AND
GRANTING IN PART PLAINTIFFS' MOTION TO COMPEL DISCOVERY**

THIS MATTER comes before the Court on Conoco's Motion for Protective Order [**Doc. 276**], filed April 15, 2002 and Plaintiffs' Motion to Compel Discovery from Defendant Conoco [**Doc. 283**], filed April 17, 2002. The parties' motions involve three Requests for Production, Request Nos. 130, 132 and 133, contained in Plaintiffs' Third Set of Interrogatories and Sixth Request for Production of Documents to Defendant Conoco. Defendant Conoco seeks a protective order concerning these requests. Plaintiffs seek to compel Conoco to produce the documents requested. The Court, having reviewed the parties' motions, memoranda and exhibits, and the relevant authorities, finds that Defendant's motion is not well taken and will be denied, and that Plaintiffs' motion is well taken in part and will be granted in part.

At the outset, the Court notes that Plaintiffs and the Amoco Defendants filed nearly identical sets of motions with respect to nearly identical requests for production propounded to Amoco. [**Docs. 275, 277**]. On April 17, 2002, the Court filed a Memorandum Opinion and Order ("M.O.O.") that addressed those motions. [**Doc. 330**].

With respect to Requests No. 130 and 132, the Court finds that both parties' motions should be denied for essentially the same reasons set forth in the Court's M.O.O. of April 17, 2002.¹ Likewise, with respect to Request No. 133, Conoco's motion for protective order should be denied and Plaintiffs' motion to compel should be granted, for the same reasons and under the same conditions, as those set forth in the Court's M.O.O. of April 17, 2002.²

WHEREFORE,

IT IS ORDERED that Conoco's Motion for Protective Order **[Doc. 276]** and Plaintiffs' Motion to Compel Discovery from Defendant Conoco **[Doc. 283]** are DENIED as moot with respect to Request for Production No. 130.

IT IS FURTHER ORDERED that Conoco's Motion for Protective Order **[Doc. 276]** and Plaintiffs' Motion to Compel Discovery from Defendant Conoco **[Doc. 283]** are DENIED with respect to Request for Production No. 132.

IT IS FINALLY ORDERED that Conoco's Motion for Protective Order **[Doc. 276]** is DENIED with respect to Request for Production No. 133; Plaintiffs' Motion to Compel Discovery from Defendant Conoco **[Doc. 283]** is GRANTED with respect to Request for Production No. 133 under the conditions set forth in the Court's M.O.O. of April 17, 2002.


UNITED STATES MAGISTRATE JUDGE

¹ Requests No. 130 and No. 132 are analogous to Requests No. 129 and No. 130 addressed in the April 17, 2002 M.O.O.

² Request No. 133 is analogous to Request No. 131 addressed in the April 17, 2002 M.O.O.